

GOVERNMENT OF TELANGANA
ABSTRACT

Lands – Constitution of Committee to consider the grievances of the persons affected by the Notifications issued under Section 22-A of Indian Registration Act, 1908 regarding prohibition of registration of lands, in compliance of the orders dt.23-12-2015 of the Hon'ble High Court in W.A.Nos.232/2012, 352/2013 and 343/2015 and batch cases – Orders – Issued.

REVENUE (ASSN.I) DEPARTMENT

G.O.MS.No. 185

Dated: 28/07/2016
Read :-

Orders of the Hon'ble High Court in W.A.Nos.232/2012, 352/2013 and 343/2015 and batch cases, dated. 23-12-2015.

O R D E R:

Whereas, clauses (a), (b), (c), (d) and (e) in sub-section (1) of Section 22-A of Indian Registration Act, 1908 prohibit registration of certain documents. As per sub-section (2) of Section 22-A of the said Act, for the purpose of clause(e) of sub-section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed. The registering authorities accordingly reject the documents pertaining to the lands notified by the State Government as prohibitory.

2. Aggrieved by the denial of registering authorities from registration of documents of the prohibited lands under section 22-A of Indian Registration Act, 1908, several Writ Petitions have been filed before the Hon'ble High Court challenging the inaction of the Registering Authorities. The Hon'ble High court have given several directions against which Government filed Writ Appeals No.232/2012, 352/2013, 343/2015 and batch cases.

3. While disposing of the Writ Appeals No.232/2012, 352/2013, 343/2015 and batch cases filed by the Government, the Division Bench of Hon'ble High Court in their orders dated 23.12.2015 observed that " the State Government is empowered either suo-motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify either in full or in part the notification issued under sub-section(2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause(e) are concerned, the redressal mechanism under subsection(4) of Section 22-A would be able to effectively address the grievance provided the mechanism there under is effective, expenditure, fair and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications".

4. Accordingly, Government, in compliance with the orders of the Hon'ble High Court in WA No.232/2012, 352/2013 and 343 of 2015 dated 23.12.2015, hereby constitute the following Committee with immediate effect to consider the grievances of the persons affected by the Notifications issued under Section 22 A (1) (e) of Indian Registration Act, 1908 regarding prohibition of registration of lands.

P.T.O

SL.No.	Designation of the Member	
(1)	(2)	(3)
(1)	The Chief Commissioner of Land Administration,T.S	Chairman
(2)	Retired Judicial Officer of the rank of a District Judge. (to be appointed by the Government)	Member
(3)	The Commissioner and Director of Survey, Settlement & Land Records, T.S. Hyderabad	Member-Convenor

(i) The Committee is empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by confirming/ deleting/ modifying any such property from the notified list of properties. Such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby; they shall have to approach a Competent Court of Law for redressal of their grievance.

(ii) The tenure of the above said Committee shall be three years from the date of issue of this order.

(iii) The committee shall meet at least once in a month.

(iv) The remuneration payable to the retired judicial officer shall be last salary less pension drawn as per usual rules.

5. The Special Chief Secretary and CCLA, T.S., Hyderabad shall take further necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

K.PRADEEP CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Spl.Chief Secretary and CCLA, T.S., Hyderabad
The Commissioner of Survey, Settlement & Land Records, T.S, Hyderabad.
The Commissioner & Inspector General (Registration & Stamps), T.S., Hyderabad.
All the District Collectors.
Copy to:
The Administrative Officer, O/o. the Learned Advocate General, T.S., High Court Buildings, Hyderabad.
The Law Department
The P.S. to Addl.Secy. to Hon'ble C.M.
The O.S.D. to Hon'ble Deputy C.M. (Revenue).
The P.S. to Chief Secretary.
The P.S. to Special Chief Secretary to Govt., Revenue Dept.
All Assignment Sections in Revenue Department.
The Revenue(Regn)Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER